

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

MARTHA JEANETTE KARNES,

Plaintiff

v.

No.

ABN AMRO MORTGAGE GROUP, INC.
and FEDERAL HOME LOAN MORTGAGE
CORPORATION

Defendants.

NOTICE OF REMOVAL

Defendants ABN AMRO Mortgage Group, Inc. (“AAMG”) and Federal Home Loan Mortgage Corporation (“Freddie Mac”) hereby remove this action from the Circuit Court of Kanawha County, West Virginia to the United States District Court for the Southern District of West Virginia. In support hereof, Defendants respectfully state:

1. On July 30, 2007, Plaintiff commenced this action by filing their Complaint in the Circuit Court of Kanawha County, under the same title as above and Case No. 07-C-1586.
2. Plaintiff served a copy of the Summons and Complaint on the West Virginia Secretary of State on August 2, 2007.
3. Freddie Mac is a United States corporation chartered by an Act of Congress organized and existing under the Federal Home Loan Mortgage Corporation Act, 12 U.S.C. § 1451, *et seq.*, with its principal place of business located in McLean, Virginia.
4. 12 U.S.C. § 1452(f) provides, in relevant part, that any civil action in a state court to which Freddie Mac is a party may, at any time before trial, be removed to the United States District Court embracing the place where the action is pending.

5. Freddie Mac is a party to the action as referenced above. Freddie Mac is therefore entitled to remove that action to this Court. Freddie Mac's removal is timely because Freddie Mac may remove an action at any time before trial.

6. Additionally, this is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and is an action that AAMG can remove pursuant to 28 U.S.C. § 1441. Plaintiff is a citizen of West Virginia. AAMG is a Delaware corporation with its principal place of business in Michigan. Freddie Mac is a United States corporation with its principal place of business in Virginia. As such, there is complete diversity between the parties. Additionally, the amount in controversy exceeds \$75,000. Plaintiff seeks to prohibit Defendants from enforcing a note with an unpaid principal balance of \$52,228.67, plus statutory damages of \$4,000 per violation for multiple alleged violations of West Virginia Code § 46A-2-115, -127, and -128, and actual damages.

7. This Notice of Removal is timely filed by AAMG in accordance with 28 U.S.C. § 1446(b), having been filed within 30 days after AAMG was served with Summons and a copy of the Complaint.

8. The United States District Court for the Southern District of West Virginia is the District Court of the United States for the district embracing Kanawha County, West Virginia. *See* 28 U.S.C. § 96.

9. In accordance with 28 U.S.C. § 1446(a), copies of the Complaint and all remaining documents served to date in this case in the state court are attached hereto as exhibits.

10. In accordance with 28 U.S.C. § 1446(d), Defendants have given written notice hereof to counsel for Plaintiff and have filed a copy of this Notice of Removal with the clerk of the state court in which this case was filed.

11. As noted above, Freddie Mac does not object to AAMG's removal of this case and has removed the case on a separate basis.

12. The time provided under state law for Defendants to answer or otherwise plead to the Complaint has not expired.

13. By filing this Notice of Removal, Defendants do not waive any defense which may be available to them, specifically including, but not limited to, their right to contest personal jurisdiction, the sufficiency of service of process, whether venue is proper in this Court or in the court from which this action has been removed, and whether Plaintiff has alleged a claim upon which relief may be granted.

WHEREFORE, Freddie Mac and AAMG hereby remove this action from the Circuit Court of Kanawha County, West Virginia to the United States District Court for the Southern District of West Virginia.

Respectfully submitted,

FEDERAL HOME LOAN MORTGAGE CORPORATION and ABN AMRO MORTGAGE GROUP, INC.
By Counsel

/s/William W. Booker (WVSB #401)
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(304) 345-8900

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CERTIFICATE OF SERVICE

I, William W. Booker, do hereby certify this 31st day of August, 2007 that I have served the foregoing **NOTICE OF REMOVAL** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Bren J. Pomponio, Esq.
Mountain State Justice, Inc.
1031 Quarrier Street, Suite 200
Charleston, WV 25301

/s/William W. Booker (WVSB #401)
KAY CASTO & CHANEY PLLC
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